



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Office of the District Court Executive

COLLEEN MCMAHON
Chief Judge

EDWARD A. FRIEDLAND
District Court Executive

MEMORANDUM

TO: SDNY BAR
FROM: Edward Friedland, District Executive
DATE: March 20, 2020
SUBJECT: COVID-19 Protocols

In light of the ongoing public health emergency, please be advised of the following updated operational protocols for the conduct of business in the United States District Court for the Southern District of New York:

Effective 9:00 a.m. on Monday, March 23, 2020 the Southern District of New York essential functions will continue as follows:

- Criminal Case Operations will proceed at the Daniel Patrick Moynihan (DPM) Courthouse in Foley Square and the Charles L. Brieant (WP) Courthouse in White Plains, limited to the processing of New Arrests, Arraignments, Bail Appeals, and Emergency Matters. Arraignments will take place before the Duty Magistrate in Courtroom 24B in the DPM Courthouse, rather than in the usual smaller courtroom on the fifth floor (5A). In multiple defendant cases, no more than two persons will be arraigned at one time. Spectators will be required to sit in designated seats in order to preserve social distancing procedures. Counsel may apply to appear by telephone at arraignments or bail hearings, which applications may be granted at the discretion of the presiding judge.
- All other in-court matters will be held in the following courtrooms:
 - **Daniel Patrick Moynihan Courthouse: 23B or 24A (DPM)**
 - **Thurgood Marshall Courthouse: 110 or 318 (TM)**

▪ **Charles L. Brieant: 218 (WP)**

- Other criminal matters will be held at the discretion of the presiding judge.
- Part I (emergency civil part) will operate out of the DPM or TM Courthouses (depending on who is on duty) in Foley Square, and will be handled in the usual manner by the judge to whom the case is wheeled out to in WP. Part I will be operational for civil matters only between the hours of 8:30 AM and 4:00 PM Monday through Friday; Part I will not be staffed after 4:00 pm or on weekends for civil matters. Please see below under the heading “Clerk of Court: Emergency Applications and Part I” for instructions about how to file papers that are to be directed to Part I. Argument on applications in civil matters for temporary restraining orders and other emergency relief, if ordered by the Part I judge, will take place in one of the Courtrooms listed above. Applications to participate by teleconference will be entertained and decided by the presiding judge. Counsel should be available by telephone to discuss requests for sealing or issues relating to the filing of papers or service of process; please be sure that any applications to Part I include the name and telephone number of an attorney authorized to deal with such issues. Once emergency relief has been considered and either granted or denied, further proceedings (including motions for preliminary injunction) will ordinarily be handled by the assigned judge, not the Part I judge.
- Part I (emergency criminal matters) will operate in the usual manner and will take place in one of the Courtrooms listed above. Filing papers with chambers by email is strongly encouraged. Emergency criminal applications that must be heard over weekends may be scheduled by consulting the duty roster and telephoning the Part I judge’s deputy clerk.
- Civil Case Operations will proceed at the discretion of the individual Judge. In-court appearances will be limited strictly to Emergency Matters, and even these should be conducted by teleconference or (if the presence of witnesses is required) videoconference if possible. If videoconference is not possible, they will also take place in one of the Courtrooms listed above.

Many judges have updated their individual rules and practices or adopted emergency rules and practices for the current situation. Any new or revised rules are available on the court website at: www.nysd.uscourts.gov/judges

For more information, please visit the Court’s website: www.nysd.uscourts.gov/covid-19-coronavirus or call: (212) 805-0005.

Clerk’s Office: The Clerk’s Office will continue to operate as follows:

PLEASE NOTE: Any documents submitted for filing in a drop box must be time-stamped, sealed in an envelope addressed to the Clerk of Court, and must include the filer’s contact information.

- **Office of the Clerk of Court:** Foreign mailings will be accepted through the drop box located in the lobbies of the Daniel Patrick Moynihan (DPM) and the White Plains (WP) courthouses.

- Records Management: The Records Management Unit will accept and fulfill records requests through the mail. Sealed filings in civil and criminal matters can be left in the drop box located in the lobbies of the DPM and WP courthouses.
- Finance: The Finance Unit will accept restitution payments through the mail and the drop box located in the lobbies of the DPM and WP courthouses. Subpoena requests can be left in the drop box located in the lobbies of the DPM and WP courthouses. The subpoena request must include a self-addressed stamped envelope and will be processed and returned to the attorney through the mail.
- Self-Represented (Pro Se) Filings: All filings will be accepted through the mail and the drop box located in the lobbies of the DPM and WP courthouses. Assistance with procedural questions will be provided by phone: Pro Se Intake Unit (212) 805-0175.
- Civil and Miscellaneous Case Openings: Cases filed electronically will continue to be processed and assigned to judges. False Claims Act (Qui Tam) cases filed pursuant to 31 U.S.C. §3729 may be submitted to the court by placing the filing in the drop box located in the lobbies of the DPM and WP courthouses.
- Miscellaneous Operations: Civil appeals, orders and judgments, Help Desk and attorney admissions will continue to provide support by phone (212) 805-0800 and through email: HelpDesk@nysd.uscourts.gov.
- Criminal Case Operations: The Arraignment Unit will be staffed and providing support for all presentments, bail hearings, pleas, magistrate judge applications and bond signings. Criminal appeals will be accepted in person in the DPM courthouse, and criminal appeals may be submitted in WP through the drop box in that courthouse location.
- Emergency Applications and Part I: For emergency applications that are submitted in a case pending before the court, attorneys are directed to file the emergency application in ECF and call chambers and leave a voicemail alerting the judge to the filing. If the emergency application is not associated with a pending case before the court, attorneys are advised to submit the application to the court, along with contact information, through the drop box located in the lobbies of the DPM and WP courthouses and to call the Clerk's Office at (212) 805-0140 to alert the Clerk of Court to the filing.
- Mediation: Court ordered mediation will no longer take place in the courthouses. Mediators and the parties are encouraged to use alternate locations or other methods of convening mediation sessions. Please contact the Mediation Office for further guidance regarding this change in practice: (212) 805-0643.

For any questions, concerns or requests related to the above, please contact the main Clerk's Office telephone line at (212) 805-0136, or the Clerk's Office website: www.nysd.uscourts.gov.

District Executive Office: The District Executive's Office will continue to operate as follows:

- Attorney Service Passes: No new applications for an Attorney Service Pass will be processed. The court will renew existing passes through the mail. for further information, see: <https://nysd.uscourts.gov/sites/default/files/pdf/covid-19/Suspension%20of%20Attorney%20Service%20Passes.pdf>
- Audio Visual Services: Assistance with remote setups for teleconferencing and other A/V related inquiries will continue. Contact 212-805-0134 or e-mail AV_NYSD@nysd.uscourts.gov for assistance.
- Case Inquiries: For inquiries regarding cases in SDNY, you may call 212-805-0500. For media related inquiries, submit inquiries to media_inquiries@nysd.uscourts.gov
- Courthouse Deliveries: Deliveries of goods to the SDNY will continue uninterrupted. Contact 212-805-0500 for assistance.
- Grievance Committee: Contact Julie Allsman at Julie_allsman@nysd.uscourts.gov for inquiries related to the Grievance Committee.
- Statements of Discipline: Statements of Discipline will continue for attorneys being admitted in other states. See <https://nysd.uscourts.gov/statement-of-discipline> for further instructions.

Pretrial Services: The Pretrial Services Office will continue to operate as follows:

- Bail Interviews: Bail interviews will be performed telephonically. Bail reports will continue to be provided in hard copy format to all counsel. Officers will continue to provide in-person coverage for all bail-related court proceedings.
- Supervision: Defendants under Pretrial Services supervision will continue to report if directed to do so.

For any questions, concerns or requests related to the processing of new arrests, please contact pretrial services bail investigation department at 212-805-4344.

Probation Services

- Supervision: Persons under supervision who are subject to drug testing, and other persons under supervision who need to be seen by an officer, will report as directed to either the White Plains or New York City offices. Persons under supervision who have been released from BOP facilities are required to report to the probation office within 72 hours after their release. We will perform our intake process on these cases in both the White Plains and New York City offices.
- Probation officers will also continue to conduct field work as long as conditions allow.

For any questions, concerns or requests related to the above, please contact the Probation Department at 212-805-0040, or the probation website: <http://probation.nysd.uscourts.gov>.